

REMARKS

Claims 25-45 are pending in this application, of which Claims 25, 32, and 39 are independent. Claims 25-32, 38, 39, 42, 44, and 45 have been amended to define more clearly what Applicants regards as their invention; no change in scope is either intended or believed to be effected by these changes. Favorable reconsideration is requested.

The Continuation Sheet of the Advisory Action mailed on July 28, 2005 maintained the outstanding objection of Claim 38, stating that the word of Claim 38 remains unclear¹. Applicants have amended Claim 38 so that it is consistent with its base claim. Withdrawal of this objection is respectfully requested.

In the Office Action dated March 28, 2005, Claims 25-30, 32-37, and 39-44 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,313,875 (Suga et al.) in view of U.S. Patent 5,625,415 (Ueno et al.), and Claims 31, 38, and 45, as being obvious from *Suga* in view of *Ueno* and U.S. Patent 6,522,354 (Kawamura et al.).²

Claim 25 is directed to a method of remotely controlling an image capture apparatus. The method includes a reception step of receiving a captured image sent from the image capture apparatus, a shape selection step of selecting a shape of a frame to be set within the captured image,

¹ In the Office Action dated March 28, 2005, Claims 34-38 were objected to for being directed towards an apparatus, yet being drafted in a manner consistent with a method claim.

² It is noted that the Office Action of March 28, 2005 does not list all the claims to which the rejection in paragraph 7 apparently applies; in a conversation one of the Applicants' attorneys had with the Examiner on April 19, 2005, the Examiner confirmed that the above recitation of the claim rejections is correct.

and an area setting step of setting an area of the frame. The method further includes a first command sending step of sending a first command to the image capture apparatus, wherein the first command indicates a shape selected in the shape selection step and an area set in the area setting step.

Notably, the method of Claims 25 includes sending a first command to the image capture apparatus, the first command indicating a shape selected in the shape selection step and an area set in the area setting step.

In the Continuation Sheet of the Advisory Action, the Examiner states the following:

As for independent claims 25, 32, and [39], applicant continues to maintain that the combination of Ueno and Suga fails to disclose that first and second data are sent “together” to the image capture apparatus. The examiner, however, maintains his position that the claim language does not require the first and second data be sent together. The claim language simply states a “first command sending step for sending a first command including first and second data”. Therefore, when taking into consideration the teachings of Ueno and Suga, the combination would teach the ability to send a first command including first and second data. More specifically, the two different commands designated in Suga and Ueno are interpreted to be the first command. Again, it is not a requirement of the claim that the two different type[s] of data be sent “together”.

Applicants respectfully disagree with the Examiner’s comments. Claim 25, prior to being amended herein, recited “a first command sending step of sending a first command including first and second data to the image capture apparatus”. Therefore, since the first command included first and second data, then the first and second data are necessarily sent together, i.e., as part of the first command.

Nevertheless, without conceding the propriety of the outstanding rejection and the above quoted remarks, Applicants have amended Claim 25 to recite “a first command sending step

of sending a first command to the image capture apparatus, wherein the first command indicates a shape selected in the shape selection step and an area set in the area setting step.” That is, the first command, sent to the image capture apparatus, indicates both (1) a shape selected in the shape selection step, and (2) an area set in the area setting step. Therefore, Applicants submit that both (1) the shape selected in the shape selection step, and (2) the area set in the area setting step, are sent together, i.e., as part of the first command.

Applicants repeat their Remarks presented in the Amendments filed on November 4, 2004, and June 28, 2005.

Moreover, Applicants submit that nothing in Suga et al. or Ueno et al., whether considered either separately or in any permissible combination (if any) would teach or suggest a first command sending step of sending a first command to an image capture apparatus, the first command indicating a shape selected in the shape selection step and an area set in the area setting step, as recited in Claim 25. That is, nothing in Suga et al. or Ueno et al., whether considered either separately or in any permissible combination (if any) would teach or suggest that (1) the shape selected in the shape selection step, and (2) the area set in the area setting step, are sent together to the image capture apparatus, i.e., as part of the first command.

Accordingly, it is believed to be clear that Claim 25 is allowable over Suga et al. and Ueno et al., whether considered separately or in any permissible combination (if there is any).

Independent Claims 32 and 39 are respectively an apparatus claim and a storage medium claim corresponding to method Claim 25, and are believed to be patentable over Suga et al. and Ueno et al. for at least the reasons presented above in connection with Claim 25.

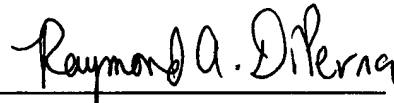
The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Raymond A. DiPerna". The signature is written in dark ink and is positioned above a horizontal line.

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